

United States District Court
For the Northern District of California

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7 KEY SOURCE INTERNATIONAL INC.,
8 a California corporation,

9 Plaintiff,

No. C 09-02389 WHA

10 v.
11 APEX MARITIME SHIPPING COMPANY,
12 HARTFORD FIRE INSURANCE
COMPANY, and DOES 1 to 100, inclusive,

ORDER RE-OPENING CASE

13 Defendants.
14 _____ /

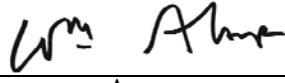
15 Plaintiff filed a “notice of settlement of entire action” on February 22, 2010, noting only
16 that the “action has been settled in its entirety.” On that basis, the Court dismissed the action.
17 Now, plaintiff files an application to vacate the dismissal in this action because the case is not
18 quite settled. The Court notes that prior to plaintiff’s “notice of settlement,” a motion to strike
19 had been set for **MARCH 25, 2010, AT 8:00 A.M.**

20 The parties cannot have it both ways. Either a case is settled or it’s not. So, the dismissal
21 is **VACATED**. The motion is back on calendar, with plaintiff’s opposition being due March 4 and
22 defendant’s reply due March 11.

23 Please note that all deadlines remain active until a dismissal is filed. Plaintiff’s request for
24 a “settlement status hearing 30–45 days out” is **DENIED**. **PLEASE DO NOT ASK FOR ANY**
25 **CONTINUANCES**.

26 **IT IS SO ORDERED.**

27 Dated: February 23, 2010.

28 
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE